

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAYER2 COMMUNICATIONS INC,

No. C-13-02131 DMR

Plaintiff(s),

v.

FLEXERA SOFTWARE LLC,

Defendant(s).

**ORDER (1) DENYING IN PART
REQUEST OF PLAINTIFF'S COUNSEL
TO APPEAR BY TELEPHONE
[DOCKET NO. 116]; (2) TAKING THIRD
PARTY DISCOVERY LETTER
[DOCKET NO. 96] UNDER
SUBMISSION WITHOUT HEARING**

The court is in receipt of the request by counsel for Plaintiff to appear by telephone for the hearing on the parties' joint discovery letter [Docket No. 106], which is currently scheduled for July 31, 2014 at 11:00 a.m. *See* Docket No. 116. Plaintiff's counsel notes that he has a conflicting hearing in another court, but goes on to state that he expects to be able to arrive in Oakland by approximately 11:30 a.m. Accordingly, the request by Plaintiff's counsel to appear by telephone is **denied**. However, the hearing on the joint letter is continued until **July 31, 2014 at 11:30 a.m.**

The court notes that some of the disputes raised in Docket No. 106 relate to the inability of counsel to agree on deposition scheduling. This is unacceptable. Lead counsel shall come to the courthouse with specific availability information for all counsel and deponents. Lead counsel shall meet and confer following the hearing to schedule all of the remaining deposition dates. Unreasonable behavior will result in sanctions.

Also before the court is a discovery letter filed by Plaintiff and third party CenturyTel Long Distance, LLC. [Docket No. 96.] The court finds that this letter is appropriate for resolution without oral argument pursuant to Civil Local Rule 7-1(b), and hereby **vacates** the July 31, 2014 hearing on the letter. The court will issue a written order on the letter.

IT IS SO ORDERED.

Dated: July 28, 2014

